

PROB 12B
(7/93)

Report Date: October 5, 2010

United States District Court

for the

Eastern District of Washington

**Request for Modifying the Conditions or Term of Supervision
with Consent of the Offender**

(Probation Form 49, Waiver of Hearing is Attached)

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

OCT 05 2010

JAMES R. LARSEN, CLERK
DEPUTY
SPOKANE, WASHINGTON

Name of Offender: Rudy Lee Wahchumwah

Case Number: 2:08CR02016-001
2:03CR02248-001

Name of Sentencing Judicial Officer: The Honorable William Fremming Nielsen, Senior U.S. District Judge

Date of Original Sentence: 8/3/2004

Type of Supervision: Supervised Release

2:08CR02016-001: Failure to Register as a Sex
Offender, 18 U.S.C. § 2250

Date Supervision Commenced: 7/16/2010

2:03CR02248-001: Crime on Indian Reservation -
Sexual Abuse of a Minor,
18 U.S.C. § 2243

Original Sentence:

Date Supervision Expires: 7/15/2012

2:08CR02016-001

Prison - 24 Months; TSR - 36 Months

2:03CR02248-001

Prison - 33 Months; TSR - 36 Months

PETITIONING THE COURT

To modify the conditions of supervision as follows:

- 26 You shall participate in the home confinement program for 90 days. You shall abide by all the requirements of the program, which will include electronic monitoring or other location verification system. You shall pay all or part of the costs of the program based upon your ability to pay. You are restricted to your residence at all times except for employment, education, religious services, medical, substance abuse, or mental health treatment, attorney visits, court appearances, court-ordered obligations, or other activities as pre-approved by the supervising officer.

CAUSE

On January 8, 2008, Mr. Wahchumwah appeared before Senior Judge Robert H. Whaley on a supervised release revocation hearing, under docket number 2:03CR02248-001. Mr. Wahchumwah's supervised release was revoked and he was sentenced to 12 months confinement, followed by 24 months of supervised release.

On December 1, 2008, Mr. Wahchumwah appeared before Your Honor for sentencing, under docket number 2:08CR02016-001, after he was found guilty of Failure to Register as a Sex Offender, in violation of 18 U.S.C. § 2250. Mr. Wahchumwah was sentenced to 24 months imprisonment, followed by 3 years of supervised release.

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On July 16, 2010, Mr. Wahchumwah was released from the Bureau of Prisons, at which time his terms of supervised release commenced.

Since Mr. Wahchumwah's release from prison, his compliance to supervision has been poor. On August 16, 2010, Klickitat County sheriff's officers and Yakama Tribal police were dispatched to 258 Hanging Rock Road in Goldendale, Washington, in reference to individuals fighting. According to a Yakama Tribal Police narrative report, Mr. Wahchumwah was charged with assault and battery for hitting another person on the head, arm, and leg with an aluminum pipe. According to the police report, Mr. Wahchumwah was not arrested, but the report would be forwarded to the prosecutor's office for review. The following day, the defendant's house and his sister's house which are next to each other were completely destroyed by a fire. On September 28, 2010, this officer contacted the tribal prosecutor's office, but they declined to provide information regarding the status of the assault and battery allegation.

After the above incident, Mr. Wahchumwah moved in with his sister at 919 North Pipeline Road in Goldendale, Washington. This residence was to be only temporary until he found a place of his own.

On September 27, 2010, this officer met with a social worker from the Washington State Department of Social & Health Services (DSHS) in Goldendale, Washington. This officer was advised there was another family with children residing at 919 North Pipeline Road in Goldendale. This officer was further advised that if the defendant was still residing at this address, the children would need to be removed and placed in foster care.

This officer spoke with Mr. Wahchumwah's sister who indicated the defendant had not been staying at her residence since September 20, 2010. She further stated Mr. Wahchumwah had been staying with his father, Jim Wahchumwah in Yakima, because of his brother's Federal trial. Mr. Wahchumwah's sister stated that as of Friday, September 24, 2010, the defendant was told he could no longer reside at her residence.

It should be noted, this officer met with Mr. Wahchumwah at the probation office on September 23, 2010, and he did not mention his current home situation. Further on September 27, 2010, this officer had brief contact with Mr. Wahchumwah, and he was aware of the DSHS investigation.

On September 28, 2010, contact was made with the Klickitat County Sheriff's Office and was advised that Mr. Wahchumwah has yet to register as a sex offender since he is no longer residing at 919 North Pipeline Road in Goldendale, Washington.

On September 29, 2010, this officer spoke with Mr. Wahchumwah and he advised he does not have a place to live. Mr. Wahchumwah reported he has stayed with one of his sister's in Wapato knowing there are children residing at this residence. His sister's address is also near his wife's residence where he is prohibited to reside or loiter. Mr. Wahchumwah reported he is now living in his vehicle at Rock Creek near mile post 119 on Highway 14 in Klickitat County.

Mr. Wahchumwah's lack of residence and his unauthorized stay with family members who have young children is of great concern. This officer is requesting Mr. Wahchumwah's conditions be modified to include electronic monitoring using a Global Positioning System to make sure he avoids staying at unauthorized residences.

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I declare under penalty of perjury that the foregoing is true and correct.

Executed on: 10/05/2010

s/Jose Zepeda

Jose Zepeda

U.S. Probation Officer

THE COURT ORDERS

- ☐ No Action
☐ The Extension of Supervision as Noted Above
☒ The Modification of Conditions as Noted Above
☐ Other


Signature of Judicial Officer

Oct 5, 2010
Date